

United States District Court

SOUTHERN

DISTRICT OF

TEXAS

MCALLEN DIVISION

UNITED STATES OF AMERICA

V.

CRIMINAL COMPLAINT

Yajahira Lizette Garza

YOB:

PRINCIPAL

1989

United States

United States District Court
Southern District Of Texas
United States FILED

Case Number:

M-19-3115 -M

Juan Jose Gonzalez III

YOB:

CO-PRINCIPAL

1999

DEC 20 2019

David J. Bradley, Clerk

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about December 18, 2019 in Starr County, in the Southern District of Texas defendants(s) did,
(Track Statutory Language of Offense)

knowing or in reckless disregard of the fact that Edy Estuardo Diaz, citizen of Guatemala, Benjamin Desidero-Ortega, citizen of Mexico, Williams Corado-Asencio, citizen of Guatemala, Rudolfo De Jesus Garcia, citizen of Guatemala, and Osmer Humberto Tecun-Garcia, citizen of Guatemala, along with fifty-four (54) other undocumented aliens, for a total of fifty-nine (59), who had entered the United States in violation of law, concealed, harbored or shielded from detection or attempted to conceal, harbor, or shield from detection such aliens in any place, including any building or means of transportation, to-wit: a residence located in Roma, Texas,

in violation of Title 8 United States Code, Section(s) 1324(a)(1)(A)(iii) FELONY

I further state that I am a(n) Border Patrol Agent and that this complaint is based on the following facts:

On November 14, 2019, agents obtained information about a residence being used to harbor undocumented aliens.

On December 18, 2019, Roma Police Department received information about that residence from a concerned citizen. According to the concerned citizen, five (5) subjects all dressed in black were dropped off and seen running into the home.

SEE ATTACHED

Continued on the attached sheet and made a part of this complaint:

☒ Yes ☐ No

Approved by Robert G. Hask
Sworn to before me and subscribed in my presence,

December 20, 2019
Date

J Scott Hacker, U. S. Magistrate Judge
Name and Title of Judicial Officer

Signature of Complainant

Ian Land Supervisory Border Patrol Agent
Printed Name of Complainant

at McAllen, Texas
City and State

Signature of Judicial Officer

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
McALLEN, TEXAS**

ATTACHMENT TO CRIMINAL COMPLAINT:

M-19-3115 -M

**RE: Yajahira Lizette Garza
Juan Jose Gonzalez III**

CONTINUATION:

On December 18, 2019, Agents along with local police conducted a knock and talk at the residence. A male, later identified as Benjamin Desidero-Ortega, opened the door to agents. The agent questioned Desidero and determined he was an undocumented alien. The agent observed several subjects run towards the back of the house but agents blocked the rear door preventing the subjects from absconding. Desidero told agents he had been at the house for two (2) days and informed agents the people inside were undocumented aliens. Desidero gave agents verbal consent to enter the home. Agents along with local officers discovered a total of fifty-nine (59) undocumented aliens inside the home.

All the subjects were transported to the Rio Grande City Border Patrol Station for processing.

Principals

Yajahira Lizette Garza – United States Citizen

Victor Garza – United States Citizen

Juan Jose Gonzalez^{III} – United States Citizen

MATERIAL WITNESS STATEMENTS

Edy Estuardo Diaz, Benjamin Desidero-Ortega, William Corado-Asencio, Rodolfo De Jesus Garcia, and Osmer Humberto Tecun-Garcia, were all read their Miranda Rights. They understood and each provided a sworn statement without the presence of an attorney.

Edy Estuardo Diaz, a citizen of Guatemala, stated he crossed the Rio Grande River on a raft with three subjects. After crossing the river, Diaz walked for several hours until he was picked up. The driver then picked up a female at a house and drove to the house where he was apprehended. Diaz claimed the female that was picked up was on the phone. The female told the person on the phone to be on the lookout for law enforcement. In addition, the female told Diaz to stay silent while being taken to the house. Diaz stated that when he arrived to the house, there was approximately twenty five (25) subjects. Approximately fifteen minutes after arriving, two other females and a male showed up at the house and divided the undocumented aliens by their assigned code. Diaz stated that a female and male showed up every night to drop off and pickup subjects. A male would also show up during the day to give each subject a hamburger.

Diaz identified Yajahira Lizette Garza, through a photo lineup, as the person in charge, and the person that would check on them daily and instruct them.

Diaz identified Juan Jose Gonzalez^{III} through a photo lineup, as the person who would show up with Yajahira Lizette Garza to check on the undocumented aliens.

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
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CONTINUATION:

Diaz identified Victor Garza, through a photo lineup, as the person that would bring them food.

Benjamin Desidero-Ortega, a citizen of Mexico, stated his cousin made the smuggling arrangements. Desidero paid \$1,300 to be taken to Houston, Texas. After being crossed into the United States, a guide instructed him to walk north from the river and cross the road. On the other side of the road a pickup truck would be waiting. Desidero crossed the road and saw a pickup truck, he also saw two people by a nearby tree. One of those subjects told him to get into the bed of the truck. Desidero recalled it was about an hour drive to the house. At the house, Desidero was instructed by a lady to stay inside. According to Desidero, the lady would go with her brother to drop off food twice a day. Desidero told agents, one time, a subject showed up with the lady's brother and they dropped off food.

Desidero identified Juan Jose Gonzalez through a photo lineup, of being a person that dropped off food.

Williams Corado-Asencio, a citizen of Guatemala, stated that he crossed the river on a raft along with seven other subjects. After crossing the river, Corado stated that he walked for a couple of hours until being picked up by a vehicle. Corado stated that all the subjects were taken to the house where they were apprehended. Corado stated that they were fed once a day by a male subject, and that there was a female who would show up to the house to give orders.

Corado identified Victor Garza, through a photo lineup, as the person who brought food to them.

Corado identified Yajahira Lizette Garza, through a photo lineup, as the person who was gave orders.

Rudolfo De Jesus Garcia, a citizen of Guatemala, stated he made the smuggling arrangements for \$10,000. Garcia crossed the Rio Grande River with twelve other subjects and taken to the house where he was arrested.

Garcia identified Yajahira Lizette Garza, through a photo lineup, as the person who was in charge of the house who brought food occasionally.

Garcia identified Juan Jose Gonzalez through a photo lineup, as a person that appeared to be Garza's boyfriend and directed orders to the undocumented aliens.

Garcia identified Victor Garza, through a photo lineup, as Yajahira Garza's brother and the person that delivered food and separated the undocumented aliens.

Osmer Humberto Tecun-Garcia, a citizen of Guatemala, stated he crossed with two other persons and was transported to the house. At the house, a female asked everyone who wanted to be in charge but nobody spoke up. According to Tecun, the female told him he was in charge and gave him a cell phone. Tecun was instructed to open the door when called and to call her or the brother if they needed food.